

REMARKS/ARGUMENTS

In response to the rejection regarding the Oath and Declaration, Applicants are in the process of securing a revised Oath and Declaration in accordance with the Examiner's request to address this concern. Applicants apologize for the delay, however the signatories are located in the United Kingdom. Applicants anticipate submitting the revised Oath and Declaration along with the supplemental amendment.

Regarding the rejection of claims 12-13 and 17-32 under 35 U.S.C. § 251 as being based upon new matter, Applicants submit that one skilled in the art would readily be able to practice the invention as claimed, particularly in view of the Harris Declaration previously submitted. Applicants therefore respectfully request that this rejection be withdrawn.

Applicants respectfully traverse the ground of rejection that Applicants are using hindsight and directs the Examiner's attention to the Harris declaration. Mr. Harris is an expert in the coatings field and has more than 58 years in the coating industry. In view of the substantial evidence presented by Mr. Harris as to what one skilled in the art would be able to practice based on the present disclosure, Applicant submits that the claims are fully capable of being practiced.

Applicants have also endeavored to clarify the claims as amended above and submits that all claims are in compliance with 35 U.S.C. §§ 112 and 251.

On the issue of improper recapture, Applicants are in the process of detailing for the Examiner's consideration all reasons why Applicants do not believe there is improper recapture as previously argued. Applicants will compare the disclosures of the prior art

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cited in the prior application in an attempt to demonstrate that the claims were previously amended not to overcome the art, but merely for clarification.

Regarding the rejection of claims 17 and 28 for double patenting, Applicant submits that the scope of these claims is based upon Applicants' disclosure and that in an interference, even as a junior party, Applicants should be entitled to demonstrate that in fact, they were the first to conceive and reduce to practice the invention claimed in claims 17 and 28.

Applicants respectfully request reconsideration of the amended application but request that reconsideration take place after Applicants submit the supplemental amendment and revised Oath and Declaration as set forth in the Office Action.

Respectfully submitted,

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January 21, 2004

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